

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:17-cv-00140-MR**

JAMES K. HONEYCUTT,)
)
 Plaintiff,)
)
 vs.)
)
 NANCY A. BERRYHILL, Acting)
 Commission of Social Security)
 Administration,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court *sua sponte*.

The Plaintiff initiated this action on August 7, 2017, seeking judicial review of the Commissioner's decision to deny his application for benefits under the Social Security Act. [Doc. 1]. The Plaintiff's motion to proceed *in forma pauperis* was denied on August 8, 2017, and the Plaintiff was given thirty (30) days in which to pay the required filing fee. [Doc. 3]. The Plaintiff paid the filing fee on September 8, 2017. [See Docket Entry entered September 11, 2017].

More than 90 days have now passed since the filing of the Complaint, and there is nothing in the record to indicate that the Plaintiff has served the

Defendant. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

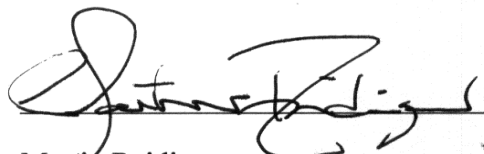
Fed. R. Civ. P. 4(m).

The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for his failure to effect service of the Summons and Complaint on the Defendant within fourteen (14) days from service of this Order, the Plaintiff's action against the Defendant shall be dismissed without prejudice.

IT IS, THEREFORE, ORDERED that the Plaintiff shall show good cause within fourteen (14) days of service of this Order for the failure to effect service on the Defendant. Failure of the Plaintiff to respond in writing within fourteen (14) days shall result in a dismissal without prejudice of this action.

IT IS SO ORDERED.

Signed: November 17, 2017


Martin Reidinger
United States District Judge

